

The April 27, 2010 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

Councilmember's:	Brian Burns	Mark Kobasuk
	Doug Evans	Curt Tiettmeyer
	Joe Harten	Daryl Zornes

Mayor: Curt Cosby
Solicitor: Doug Miller
Fiscal Officer: Keri Everett
Police Chief: Tom Synan

Mayor Cosby welcomed everyone and opened the floor to audience participation.

Marlene Bowen, Pecos Drive, spoke to Council regarding several issues. She asked if there was result on the recent Fire Study by Kramer and Associates. Mayor Cosby said the Fire Study has been posted on the website for a couple of weeks. He said there will be some discussion of the Little Miami Fire District this evening. Mrs. Bowen also inquired about the Village Ordinance requiring the removal of dog excrement. Mrs. Bowen said she is having trouble with this and asked if the Village could send out a notice notifying the residents of their responsibility. Mayor Cosby said there is an Ordinance (No. 27-2006 An Ordinance Requiring the Removal of Dog Excrement); this can be found on the website. Chief Synan said the Police Department will look into the problem.

Project Status Engineering Services, Brandstetter Carroll, Inc.

1) Gallenstein, Reserve of Ivy Hills

- GCWW is working to address their concerns with the hydrant issue.
 - Mayor Cosby and BCI will walk the site next week and review remaining Punch List items.
- Primary items of concern are fire hydrant and curb ramp.

Mayor Cosby discussed with Mr. Brandstetter the fact that the streets have not been accepted by the Village. Mayor Cosby and Mr. Brandstetter will walk the site next week to get a specific list of what needs to be done to see what the cost would be to finish the remaining items on the Punch List. He said it may make more sense on the behalf of the Village to correct the issues as long as they are not too expensive in nature and get these streets accepted for the people and get the burden off of them. Mr. Evans said we do need to get an answer for the people but, it would not right for the Village if the Village takes it over and there are all sorts of problems in the next two years from sink holes and poor workmanship.

2) Short Park Restroom

- Proposed Funding

Hamilton County Park District	\$ 41,000
ODNR Grant	24,000
MSD Tap Credit	6,000
Local Monies/In-Kind Services	<u>10,000</u>
	\$ 81,000
 - ODNR is processing the grant completion schedule based upon the Village's request for an extension.
 - Annual Operating Costs

Sanitary Sewer	\$ 400
Water Service	300
Electric	700
Miscellaneous Maintenance	<u>600</u>
	\$ 2,000
- Removal of port-o-let, east end of site could result in \$1,200 annual savings
- Engineering Services \$ 5,000

3) Jefferson/Pine/Edith OPWC Application

- Possible 2010 OPWC projects are the re-submittal of Ragland Road and Drake Street Bridge if necessary and Jefferson/Pine/Edith Street Reconstruction. Jefferson/Pine/Edith Project Summary and Cost Estimates are attached.
- Revised Geotechnical Report proposal from H.C. Nutting is \$5,200. Action requested at a May 2010 Council Meeting.
- GCWW would replace their waterline as part of the project.
- Applications due mid-September 2010.
- BCI to take traffic counts before school dismisses in June.

Village Signs

Bob Clements, Worldwide Graphics & Sign Company, presented various samples of signs to Council. After much discussion, Council decided to go with the sandblasted red cedar wood signs. These signs should last 5 years before needing to be repainted. The cost would be \$4,149.60 for six signs. The signs come with a 1 year warranty from date of installation.

Flower Fair

The Flower Fair will be held Friday, April 30th at 6:00pm until 11:00pm, Saturday, May 1st 12:00 noon until 7:30pm, and Sunday May 2nd 12:00 noon until 5:00pm.

4-13-2010 Checklist

Mr. Tiettmeyer made a motion to approve Checklist dated 4-13-2010 in the amount of \$99,274.32. Mr. Zornes seconded the motion. All Aye. Motion Carried.

4-27--2010 Checklist

Mr. Tiettmeyer made a motion to approve Checklist dated 4-27-2010 in the amount of \$44,563.68. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Computer Purchase

Mr. Tiettmeyer made a motion to approve a computer purchase to Dell Computer in the amount of \$1,148.99 (included in 2010 Budget) for Becky Fairley, Administrative Assistant. Mr. Burns seconded the motion. All Aye. Motion Carried.

Business Recovery Plan Update

Mr. Tiettmeyer has located another company that provides emergency disaster recovery services. After further research and comparing prices to Agility, Mr. Tiettmeyer will report back to Council.

Energy Alliances Inc. Update

Mr. Tiettmeyer met with Energy Alliances Inc. and requested specific information. After the information is received, Mr. Tiettmeyer will analyze and report back to Council.

Resolution, Transfer to Park Fund

Mr. Tiettmeyer made a motion to suspend the rules. Mr. Kobasuk seconded the motion.

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 17-2010 A RESOLUTION APPROVING A TRANSFER TO THE PARK FUND FOR CALENDAR YEAR 2010, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.

Discussion

Mr. Evans asked the reason for the transfer. Ms. Everett said it was already approved in the Appropriations. A total of \$73,700 was approved in the Appropriations; even though this was approved in Appropriations, a transfer still needs to be approved.

Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes and Mr. Harten-Yes. Motion Carried.

3-23-10 Council Minutes

Mr. Zornes made a motion to approve the 3-23-2010 Council Minutes. Mr. Burns seconded the motion. All Aye. Motion Carried.

Human Resource Committee

The Human Resource Committee will meet May 12th at 7:00pm to discuss insurance benefits and website.

Ordinance for Village Salaries

Mr. Zornes made a motion to suspend the rules. Mr. Burns seconded the motion. All Aye. Motion Carried.

Mr. Zornes made a motion to adopt ORDINANCE NO. 07-2010 AN ORDINANCE ESTABLISHING SALARIES FOR VILLAGE PERSONNEL, DISPENSING WITH THE THIRD READING AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

Mr. Evans asked what percent the salaries went up. Mayor Cosby said 2.5 percent with one position adjusted outside of the 2.5 percent range.

Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-No, Mr. Kobasuk-Yes, Mr. Burns-Yes and Mr. Harten-Yes. Motion Carried.

Resolution Establishing Office Hours

Mr. Zornes made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mr. Zornes made a motion to adopt RESOLUTION NO. 18-2010 A RESOLUTION ESTABLISHING OFFICE PERSONNEL WORK HOURS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion.

Discussion

Mr. Kobasuk stated the hours will be 7:30am to 4:30pm, correct. Mr. Zornes said yes. Mr. Evans asked who the new hours pertain to. Mayor Cosby said the work hours pertain to the administrative personnel and establishes a thirty minute lunch, which was not in place before. Mr. Kobasuk asked if this came from the HR Committee. Mayor Cosby said it came from a meeting between him, Mr. Zornes and Doug Miller. Mr. Evans asked if any of the employees that will be affected had any questions. Mayor Cosby said they have been talked to everyone individually. Solicitor Miller said 7:30am to 4:30pm hours means the administrative personnel may start at 7:30am and finish at 4:00pm with a thirty minute lunch or start at 8:00am and leave at 4:30pm with a thirty minute lunch.

Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes and Mr. Harten-Yes. Motion Carried.

Village Signs

Mr. Evans made a motion to approve an amount not to exceed \$4,149.60 to Worldwide Graphics & Sign Co. for six red cedar signs. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.

Geotechnical Study for Edith/Jefferson/Pine Streets

Mr. Evans made a motion to enter into a contract with H.C. Nutting, in the amount of \$5,200 for geotechnical engineering services for Edith/East Jefferson/Pine Streets Pavement Evaluation. Mr. Kobasuk seconded the motion.

Geotechnical Study for Edith/Jefferson/Pine Streets - Discussion

Solicitor Miller said Council can go ahead and approve tonight but this needs to be a resolution. The contract will have to change, per Solicitor Miller.

All Aye. Motion Carried.

Maintenance Department – Personnel Status Change

Street Commissioner Ron Dickerson asked Council to approve Maintenance Technician Joe Rutter from a part-time to full-time status. The workload requires the status change; Mr. Dickerson said Joe has been very reliable and dependable. Mr. Evans said the pay will go up \$1.00 per hour. Mayor Cosby said adding on a full-time person mid-year was discussed in a Finance meeting. Mr. Kobasuk asked what the financial impact would be. Ms. Everett said the full-time position is in the budget. Mr. Evans asked how many hours a week Mr. Rutter has been working. Mr. Dickerson said Joe is already working 38 to 40 hours each week. The move to full-time comes with benefits and an increase of \$1.00 per hour.

Mr. Evans made a motion to approve a status change for Maintenance Technician Joe Rutter from part-time to full-time, effective April 22, 2010 per the new Salary Ordinance. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Maintenance Department – New Mower

A smaller lawn mower is needed to expedite mowing in the Flagg Spring Cemetery. The smaller mower will be easier to maneuver in-between the headstones. Mayor Cosby said the money will come from the Cemetery Fund. Mr. Burns said the mower is in the budget. This will be purchased from a state bid from Ohio Equipment.

Mr. Evans made a motion to approve the purchase of a new lawn mower for the Flagg Spring Cemetery from Ohio Equipment, not to exceed \$5,600. Mr. Harten seconded the motion. All Aye. Motion Carried.

Maintenance Department – New Truck

The Maintenance Department has two single-purpose trucks that need to be replaced. One is a 1992 model and the other is a 2000 model. A 2011 pick-up truck, multi-purpose 4-wheel drive will replace these two trucks. This 2011 model will also be used to plow snow. Once the 2011 pick-up truck arrives, these two trucks will be surpluses. Mr. Dickerson will be getting the equipment for spreading salt and removing snow from a local vendor because the equipment included in the truck bid was not the size needed. Mr. Evans asked if it would exceed the \$32,489.50 amount; Mr. Dickerson said the salt equipment will be larger and may be a couple of hundred dollars difference from the total. This purchase is included in the budget.

This purchase needs to be a resolution, which will be presented at the 5-11-2010 Council meeting.

Maintenance – Fire Wood Available

Two trees at Moundview Park, two from Short Park and one dead tree at Flagg Spring have been cut down by the Maintenance Department, estimated savings of \$7,000, per Mr. Dickerson. Firewood is available at the maintenance barn on Debolt Road. Call 271-2009 if interested.

Volunteers for Weeding

Mr. Dickerson is looking for volunteers to help with weeding flower beds; please call 271-2009 if you can help.

Traffic Control Safety Seminar

The Maintenance Department attended a seminar on Traffic Control; state rules were addressed for signage, cones, blocking off work areas, etc. This will be helpful controlling traffic with upcoming engineering/road projects, said Mr. Dickerson.

Donations to Village

Police Officer Orso recently donated playground mulch that will be used around the swings at Short Park. Bill Cobb donated stump removal, which was very helpful. Wessling, Shawnee and Madison Tree Service have given discounted work to the Village. Wessling Tree Service recently removed a tree at Moundview Park at a discounted price.

Emerald Ash Bore Infestation (www.agri.ohio.gov/EAB/)

Mr. Dickerson urged the residents to keep an eye on their Ash trees this year.

Mr. Evans commended Mr. Dickerson on doing a good job for the Village. Mr. Dickerson thanked Mr. Evans and said the maintenance guys have been working very hard.

LMFD Fire Board Update

Mr. Kobasuk spoke regarding the five basic points discussed at the 4-21-10 Fire Board meeting:

1. The Board needs to know if Newtown will accept a retrofitted E-Check building as its fire station. (Mr. Kobasuk has advocated for two new fire stations.) Reportedly, in the Board's view, there is not enough money to build two new stations in the current plan. The Board's position is that Mayor Cosby and Tracy H. were informed of Newtown receiving the E-Check site as its fire station for years and no objection was made until recently. The voters approved \$8 million for the current plan which was based on a retrofitted E-Check site in Newtown with a new large station (13,000 sq ft.) in Fairfax/Columbia. The contract states Newtown has to consent to moving the fire station from Church Street.
2. Newtown could receive a brand new station if Newtown locates inexpensive land or donates the land. I suggested tearing down the old fire station on Church Street and adding the adjacent park to the site. This would probably provide enough land for a new station in Newtown. Council needs to consider if it wants to demolish the old station and give up the park for a new fire station. If there was no land acquisition cost, perhaps a new station could be built in Newtown.
3. The Board agreed to obtain an appraisal for the 3 acre-site next to Wendy's on SR 32. If the site could be obtained inexpensively, this may be an option. However, it was sold for \$500,000 a few years ago and I doubt it will be offered for sale at a low enough price. It was not clear how this is an option if the Board believes there is not enough money to build two new stations.
4. The Board has not had the architects plan two new stations for \$8 Million. The Board believes that it cannot reduce the size of the 13,000 square foot station currently planned for Fairfax/Columbia. The current plan has a new station built in Fairfax with most of the funds going to it and Newtown receives the retrofitted E-Check site. The cost estimates are attached. I suggested building two new smaller stations, and this was rejected as unworkable. The Chief and the Board appear to want a new three-bay station in Fairfax/Columbia, and will not accept two new smaller stations.
5. While no final decision was made by the Board, the Board did not agree to a 4 person staff in Newtown (equivalent staffing). The cost would be \$140,000 per year more. Currently, the Newtown station has a 3 person staff and the Madison Place station has a 4 person staff. The Board also did not agree to strengthening the language in the contract that a certified paramedic would be stationed in Newtown 24/7. The current contract indicates they will use best efforts. I am told there usually always is and always has been a certified paramedic there, but for our tax dollars I would like to see a guarantee in the contract. The Board's lawyer said this may create the remote possibility of liability for the Fire District. We agreed to discuss these issues after the issue of accepting the E-Check site was resolved.

Mr. Kobasuk said the following are the options for the Village: 1) the big issue for Newtown is to determine if we want to accept the E-Check site for the station, 2) consider tearing down the current fire station and take Bicentennial Park or 3) we could always withdraw from the LMFD.

MSA Architects (E-Check) Presentation

Rick Tripp and Keith Hall, architects with MSA Architects, presented Council with a drawing of what the E-check building could look like if redesigned as the Newtown Fire House. Mr. Tripp said there are issues with the size of the suggested option of demolishing the current fire house and taking the Bicentennial Park. Please visit (www.villageofnewtown.com) to view the proposed drawing.

Mayor Cosby and Council discussed dedicating the regularly-scheduled May 11th Council Meeting to a Public Hearing to discuss the LMFD (Fire/EMS). LMFD and MSA Architects will be present at the Public Hearing.

Mr. Kobasuk made a motion to dedicate the Regularly-Scheduled May 11, 2010 as a Special Meeting to hold a Public Hearing to discuss the LMFD Fire/EMS. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Discussion

The LMFD Fire Board has commissioned Jerry Fletcher, Appraiser, to appraise the property next to Wendy's. Fire Chief Tom Driggers said the Fire Board has agreed to invest the \$1,500 to satisfy the question and this should be done in a couple of weeks. Chief Driggers said he has looked at every parcel of land in Newtown to see what could be developed. He said if the E-Check building was on the other side of the district, they would be doing this there instead of here, so it has nothing to do with the Village of Newtown and participation within the budget. Chief Driggers said it is a wonderful opportunity to take advantage of. He said the comments he has heard from people in town think it is a wonderful idea and believes people will demonstrate that at the meeting on the 11th. The Fire District is working with getting the bond situation handled. At the 4-21-10 Fire Board meeting, the Board offered to meet with members of Council at a public meeting sometime during the second week of May. Depending on the outcome of the meeting on the 11th, Chief Driggers said a meeting between Council and the Fire Board if there are any concerns. He said the meeting could be in Fairfax where there is a larger facility. Chief Driggers said the Fire Board wants to work with all of Newtown, not just the elected officials, but the citizens as well. The ideas presented by the architects show the enhancements that can take place and the advantages that can take place for Newtown and give everyone things we don't currently have, said Chief Driggers. Mayor Cosby said the positive thing is we all want what is best for the community and he and Council have not wanted to make an uninformed decision, which is why it has taken the amount of time it has taken.

Mr. Evans told Chief Driggers it was good on his part that he thought about a community room that could be used by the community and rented out. Chief Driggers said this was thought of from day one; a lot of information has not come back to Council's chambers. He said it has always been their intent to do something on that site, along with the fire station, that would enhance the government and the facilities of the Village of Newtown. Mr. Evans said the Village has other needs than just a new fire station and the community room would be helpful to the residents and the business people. Chief Driggers said one of the ideas he has thrown out for discussion was perhaps in the future, a partial of the 5-acre site could be set aside for the development of a Municipal Building. He said the Village could have a government complex on the site should Newtown develop the funds and the ability to do that. Mayor Cosby said that has been discussed.

Mr. Tiettmeyer asked Chief Driggers if the Fire Board had the E-Check property under a contract. Chief Driggers said no; they left the negotiations back in August 2009. He said they wanted certain conditions prior to the passage of the levy that the Fire Board was not willing to put into risk, i.e. cash. In the event the levy failed, they wanted \$100,000 of taxpayer dollars. The Fire Board left the negotiations and told them they would come back and start negotiations if the levy passed. Chief Driggers said he has kept the seller's broker informed; they are anxious to negotiate. Solicitor Miller asked Chief Driggers how they know what the acquisition cost is if there is no contract. Chief Driggers said originally, they were asking 1.2 million and had the cost down to \$960,000 when they left. And when they went back to re-negotiate it would be less than that. Chief Driggers said when the architects reviewed the facility as far its feasibility; there was an estimate of about 2 million dollars converted versus 4 million dollars to build new from ground up. Solicitor Miller said we keep saying E-Check, E-Check, E-Check, this is what we want to do and where we want to go but it is not tied up in a contract at this point. Chief Driggers said they can't because Council has held them up from doing that. He said they have an attorney that will take care of that when they go back and negotiate. They are hoping to buy the property around \$800,000, but it won't be more than \$960,000. Mr. Kobasuk asked Mayor Cosby, to his knowledge if anyone else was interested in E-Check site. Mayor Cosby said, as of today, no one to his knowledge is interested. In the past, Meridian has expressed interest along with another company. Mayor Cosby said he has to protect the tax base of the Village and our number one priority is to help a business interested in coming into the Village or an existing business interested in expanding. Mayor Cosby said, as Chief Driggers stated, there are not a lot of sites out there for one to expand and remain in the Village of Newtown. At this time, there are no letters in the Mayor's office expressing interest in the E-Check site.

Mr. Kobasuk asked if Sardina Concrete is out of the question due to site preparation. Chief Driggers said first off, site preparation and it isn't situated in the center of town and would affect response times a little greater to the core of the Village. Chief Driggers and Mr. Hall walked the Sardina Concrete site last Friday; dismantling and tearing down a concrete facility, along with the cost site preparation, it would not be feasible to build there.

Mr. Kramer thanked Council for the opportunity to provide their input in the formal Fire Study. Mr. Kramer said he has received many good comments regarding the Fire Study, including from some folks tonight. Mr. Kramer said in preparing the report, they tried to deal with facts and figures. Ultimately, it came down to the fact that Newtown has a good thing being part of the fire district. Mr. Kramer said the LMFD is a quality operation with good depth. The average tenure of full-time people is 26 years on the job. The average number of years of the part-timers is 14

years. Mr. Kramer said Newtown could have its own fire department at less cost, but only by compromising service and would not have the depth of the larger organization. Mr. Kramer said the more he has studied the E-Check facility, the more he thinks it is a very viable option.

Safety Committee Meeting (3-31-10) Update The committee discussed how they are trying to bring the police department up with compensation. Mr. Harten and Mr. Zornes are looking at comparable pay.

Liquor License Transfer

Mr. Kobasuk made a motion to waive the hearing offered from the Ohio Division of Liquor Control, for a liquor transfer to Dwayne Miner, DBA Dry Run Beverage. Mr. Burns seconded the motion. All Aye. Motion Carried.

Mayor's Monthly Statement to Council for March 2010

Mr. Kobasuk made a motion to approve the Mayor's Monthly Statement to Council for March 2010. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Parks Committee Meeting: The committee will meet May 12th at 6:30pm.

Parks Committee (3-31-10) Update: The proposed Parks fee structure was discussed. Mr. Burns presented the results of the meeting.

Engineering Fees for Short Park Restroom

Mr. Burns made a motion to approve Engineering Services for Short Park Restroom, in the amount of \$5,000 to Brandstetter Carroll Inc. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Moundview Park Playground Equipment

The company did a great job installing the playground equipment. Many local families have already enjoyed the new equipment, said Mr. Burns. He said there was no upfront cost from Village tax revenue. Mr. Burns encouraged everyone to continue their recycling efforts, which assisted in the 25% match.

Moundview Community Center – Open House

Mayor Cosby has set an Open House for May 22nd from 1:00pm to 4:00pm. The renovations to the first floor are completed and ready for reserving.

Ordinance Establishing Park Fees

Mr. Burns made a motion to suspend the rules, seconded by Mr. Harten. All Aye. Motion Carried.

Mr. Burns made a motion to adopt ORDINANCE NO. 08-2010 AN ORDINANCE ESTABLISHING FEES FOR THE USE OF VILLAGE PARKS IN THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion: Mr. Zornes asked if the fees address fees for Civic organizations. Mr. Burns said the committee discussed the organizations would not be charged for their regularly-scheduled monthly civic meetings. Mr. Harten added that the committee discussed, the Civic organizations are to come to Council for approval to have the fees waived at the appropriate times for their events. Mayor Cosby said, to be clear, if a Civic organization came to Council asking to rent the park for a specific function, Council would have the ability to approve or deny. Mr. Burns said yes, it would be Council's decision.

Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes and Mr. Harten-Yes. Motion Carried.

Park Rules

Mr. Burns said the Parks Committee will meet to assess and simply the Park Rules and will report back to Council.

Lake Barber

Solicitor Miller said he is waiting on the survey to be completed.

Martin Marietta Mining Issue

Solicitor Miller reported that there has no change. Mayor Cosby said he has received emails stating Anderson is considering changing the long-term Land Use plans. Solicitor Miller said the Land Use plans for a Township are supposed to be updated every five years. CABOOM are particularly concerned with that area and have been attending the meetings. Mayor Cosby said

he brought it up because the email stated that most of the surrounding communities were represented at that meeting and the Village of Newtown was not. Mr. Kobasuk asked why not. Mr. Evans said, "Curt, don't believe everything you read in an email." Mr. Evans said he was present at the meeting. Solicitor Miller said he was not aware of any community officially being present at the meeting. He said he didn't consider it because if Newtown was looking at changing the general Zoning Plan or Comprehensive Plan or Study, he would be offended if Anderson came in and started telling Newtown what they should do here and there.

Resolution Accepting Engineering Assistance for Short Park

Mr. Burns made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. Motion Carried.

Mr. Burns made a motion to adopt RESOLUTION NO. 19-2010 A RESOLUTION ACCEPTING A PROPOSAL FOR ENGINEERING ASSISTANCE FOR THE SHORT PARK RESTROOM GRANT APPLICATION, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes and Mr. Harten-Yes. Motion Carried.

Bike Trail

Mr. Brooks asked Council if they had given the right-of-way to the Bike Trail project. Mayor Cosby said in Short Park only. Mr. Brooks asked if the Bike Trail and their proposed route has come before the Planning Commission. Mayor Cosby said he doesn't know that that would be a Planning issue. He said the Village is not accepting an easement through anyone's property. This is simply contained within Short Park, no where outside of Short Park. Mayor Cosby said they have not accepted anything other than Short Park itself. Solicitor Miller said, nor would we the ability to. He said you can't give somebody an easement on somebody else's property. Mr. Brooks asked if it was the Mayor's/Council's intent to ask the Bike Trail entity to come before the Planning Commission. Mayor Cosby said he doesn't believe it is our intent, that it would be an issue for Council if there was anything for Council to have an issue on, not the Planning Commission. Solicitor Miller said it is not really a zoning issue because it is already a park. The Bike Trail would be considered the same use. Mr. Brooks said he is speaking to where the proposed trail may go through private property. Mayor Cosby said Mr. Miller said that is not the Village's fight. Solicitor Miller said the Village would have no say to that; he told Mr. Brooks that would be his private property. Mr. Brooks said, "And Planning and Zoning wouldn't have an issue with them coming through his private property?" Solicitor Miller said he didn't know. Mayor Cosby said no one has made application to the Planning Commission to be heard. The resolution made tonight was specifically for Short Park. Solicitor Miller said they may need to come before Planning because that would be public right-of-way. Mayor Cosby said if Zoning dictates what they propose is allowed, then they would not come before Planning. Mr. Kobasuk suggested Mr. Brooks go to the Planning Commission and discuss this with John Russell to get the correct answer.

Executive Session

Mr. Burns made a motion to enter into Executive Session at 8:40pm to discuss litigation, seconded by Mr. Zornes. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes and Mr. Harten-Yes. Motion Carried.

Council reconvened at 8:46pm; no action to be taken as a result of the Executive Session.

Mr. Kobasuk made a motion to adjourn, seconded by Mr. Burns. All Aye. Motion Carried.